

Medical Ethics

PHIL/PA 321, Fall 2021

Tue & Thu 11–12:15pm, Social Sciences 222

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Office hours: Wed & Fri 1:30–2:30pm, and by appointment

1. Course Overview and Objectives

In this course, we will examine a variety of normative issues in and about medicine. Many of the topics we are going to discuss are more or less standard in a medical ethics course, such as harm, abortion, physician-assisted suicide, medical paternalism and patient autonomy. But what makes our course distinct is we will also look at critical approaches that seek to challenge and expand the traditional themes and positions. Specifically, we will consider feminist conceptions of autonomy, the continued debate between biological determinism and social constructivism, epistemic injustice in the practice of medicine, the politics of reproductive care and gender-affirming care, the medical policing of intersex, trans, racialized and disabled bodies, and the connection between lived experiences of the body and structural injustice. In so doing, our aim is to further explore the ethics of medical care in light of its broader political and social significance.

2. Expected Learning Outcomes

My expectations are, at the conclusion of this course, you will be able to

1. Analyze major normative issues in relation to medical care;
2. Charitably interpret and critically assess philosophical texts and arguments;
3. Compose a well-reasoned, original argumentative essay that responds to a normative issue in the context of medical care;
4. Discuss how philosophical reflection may shed light on contested moral and social issues in a divided contemporary society such as the United States;

1. If you are not familiar with the use of “they” as a singular pronoun, I encourage you to check out this helpful guide from the APA Style blog: <https://apastyle.apa.org/blog/singular-they>.

5. Discuss how conceptual tools may help to clarify and express minority experiences that are otherwise masked by oppressive social structures.

PHIL 321 is cross-listed in Public Administration and Policy, and fulfills the Tier 2 Humanities requirement of the General Education Curriculum.

3. COVID-Related Course Policies

3.1. Face Coverings

In accordance with the CDC's latest guidelines, **you are strongly encouraged to wear a face covering over your nose, mouth and chin in our classroom even if you have been fully vaccinated**; see <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>.

3.2. Please Stay Home Whenever Appropriate

You should *not* come to class if you are sick or have been in close contact with someone who is sick. If you suspect you might have contracted or have been exposed to COVID-19, please self-isolate immediately and contact Campus Health for testing and medical care (call 520-621-9202 before you visit). The relevant CDC guidelines are available at <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/index.html>.

For course policies on excused absences, see § 6. For course policies on late assignments, extensions and make-ups, see § 7.

4. Required Texts

None. All required readings will be made available digitally on D2L or via the university library.

5. Assessment

Participation	10%
Midterm and Final Essays	70%
Final Exam	20%

You must complete the midterm essay, the final essay and the final exam in order to pass the course. **An F received on any work due to academic dishonesty is grounds for an F in the course.**

5.1. Grade Scheme

The University of Arizona Standard Letter Grade Scheme will apply:

A	90% and above	D	60%–69.9%
B	80%–89.9%	E	59.9% and below
C	70%–79.9%		

Requests for incomplete (I) or withdrawal (W) must be made in accordance with university policies, which are available at <http://catalog.arizona.edu/policy/grades-and-grading-system>.

5.2. Participation

In approaching a philosophical issue, we will often find ourselves in the middle of an ongoing conversation among many different authors. A hallmark of what we *do* in philosophy is the way we engage in this conversation and position ourselves in relation to these authors: We are not outside observers who are there just to report what each author has said and perhaps to summarize some of the agreements and disagreements. Rather, we are equal participants in the conversation, just like all the other authors. In this sense, it's helpful to think of philosophy classes not as where you come to be lectured about certain philosophical questions, but as where we gather to *do philosophy together*, to continue and contribute our own insights to these philosophical conversations. Your participation matters not only to your own learning and growing as a philosopher, but it is also indispensable for creating a mutually supportive classroom community that encourages discussions.

Please be sure to read the assigned reading in advance of class and remember to bring a copy with you so we can look at specific passages together. It's helpful to keep in mind that philosophical writing is, at bottom, *argumentative*—that is, the goal is to *defend* or *criticize* a particular view. As you read, keep track of what the author says they mean by a certain term or distinction, identify the view the author is defending and the arguments they offer in support of their view, and be careful to distinguish passages where the author is speaking for themselves and those where they are explaining another author's view or considering objections. Write down comments and questions in the margin as you react to the reading, and take note of terms, distinctions, claims and arguments that you find unclear. Ask yourself if you think what the author is saying is plausible and well-argued. If not, think about why not: Is it because the author's argument relies on a false premise, or is it because the author's reasoning is fallacious? Is there a more plausible or more

arguable way of making the point the author hopes to make? Are there countervailing considerations, alternative positions or further complications that the author fails to take into account? Even if you agree with the author, try to anticipate objections that other readers may reasonably raise and think about how you can respond to them on the author's behalf.

Class participation will make up 10% of your final grade.

5.3. Midterm and Final Essays

You will be asked to write a midterm essay and a final essay for this course. Each essay should be 5–6 pages long. I will provide instructions and prompts in advance.

An indispensable part of any good philosophical writing (and scholarly writing in general) is feedback and revision. For each essay, you will be asked to first turn in a draft. While the draft itself will not be graded, you will receive comments from both your classmates and me, and you will read and comment on two or three of your classmates' drafts as well. Failure to turn in a draft or peer comments on time will be penalized by up to a full letter grade (10%) on the revision.

You will then revise the draft in light of your own critical reflection on the comments received. When you submit the revised draft, I will also ask you to include a one-page cover letter. The cover letter gives you an opportunity to share your thoughts on the comments (which do you find helpful and which not so much, and why or why not?) and discuss how they have shaped the revision.

The better of your essays will make up 40% of your final grade, and the other one 30%.

5.4. Final Exam

There will be a comprehensive final exam consisting of short answer and short essay questions. It is scheduled for **Tuesday, December 14 from 10:30am to 12:30pm** in our usual classroom. If you have another exam scheduled for the same time, please contact me as soon as you can to arrange for a make-up.

The final exam will make up 20% of your final grade.

6. Excused Absences

Please email me if there is a reason you can't come to class, but you don't need to show me any kind of documentation. This is an honor system, and I trust you not to abuse it—all

I ask is you also be flexible and considerate when you are in a position of power to do so.

The UA policy concerning class attendance, participation, and administrative drops is available at <http://catalog.arizona.edu/policy/class-attendance-participation-and-administrative-drop>.

The UA policy regarding absences for any sincerely held religious belief, observance or practice will be accommodated where reasonable: <http://policy.arizona.edu/human-resources/religious-accommodation-policy>.

Absences preapproved by the UA Dean of Students (or the Dean's designee) will be honored; see <http://policy.arizona.edu/employmenthuman-resources/attendance>.

7. Late Assignments, Extensions and Make-Ups

No late assignments will be accepted, but an extension will normally be granted as long as you (1) have a clear plan for completing the assignment and (2) let me know your plan by email **no later than 6 hours before the deadline** (unless an unexpected circumstance can justify a delay).

As an instructor, I always appreciate students asking for extensions ahead of time when possible. Make-ups for missed assignments after the fact are generally disfavored, and will be granted only to accommodate unexpected and other extraordinary situations. We can always work something out, but it's important that you contact me as soon as you can.

Likewise, there is no need to show me any kind of documentation.

8. Academic Integrity

8.1. Code of Academic Integrity

Students are encouraged to share intellectual views and discuss freely the principles and applications of course materials. However, graded work/exercises must be the product of independent effort unless otherwise instructed. Students are expected to adhere to the UA Code of Academic Integrity as described in the UA General Catalog. See <http://deanofstudents.arizona.edu/academic-integrity/students/academic-integrity>.

8.2. Plagiarism

I consider plagiarism to be a very serious violation of the university's Code of Academic Integrity, and you should as well. I strongly encourage you to review this helpful guide prepared by the university library: <https://new.library.arizona.edu/research/citing/plagiarism>. If you have any questions after reading it, please don't hesitate to ask me.

8.3. Inappropriate Use of Class Notes and Course Materials

Disseminating class notes or course materials beyond the classroom community, such as selling them to other students or to a third party for resale, is strictly prohibited. Violations to this rule are subject to the Code of Academic Integrity and may result in course sanctions. Additionally, students who use D2L or UA email to sell or buy such notes or course materials are subject to Student Code of Conduct violations for misuse of student email addresses. This misconduct may also constitute copyright infringement.

9. Respect, Support and Care for One Another

9.1. Materials in This Course

Since many of the issues we will cover in this course are also *personally* relevant, you might find it difficult to read and discuss certain course materials. I want to acknowledge that. It's perfectly understandable.

It's therefore important that we *respect, support* and *care for* one another throughout the course. Please always feel free to talk to me if you anticipate certain topics will be especially difficult for you, or if you think the way they get discussed in the class is disrespectful or otherwise problematic.

9.2. How to Respect, Support and Care for One Another

Here are some concrete examples of how you can respect, support and care for your classmates and instructor:

Class Discussions

- Value everyone's contribution to class discussions;
- Disagree in a way that takes other people's ideas seriously and sincerely;

- Challenge remarks, jokes and examples that are racist, sexist, misogynistic, xenophobic, homophobic, biphobic, transphobic, ableist, ageist, classist, etc.;
- Keep discussions inclusive by avoiding talking to only a few specific people.

Classroom Behavior

- Try to remain quiet if you have to arrive late or leave early;
- Avoid starting to pack things up until class is completely over;
- Listen attentively and avoid distracting or interrupting behavior, such as chatting with the person next to you or checking your phone.

Gender Identity and Sexual Orientation

- Use the pronouns and name you are asked to when you refer to a person;
- Avoid assuming a person's pronouns, gender identity or sexual orientation based on their appearance, voice or name;
- Be careful not to disclose anyone's gender identity or sexual orientation (i.e., out them) without their permission, even if they are already out in the classroom—it can put lives in danger;
- Never inquire about anyone's genitalia, deadname, “before” photos, medical history, assigned gender at birth, sex life, and so on;
- Use inclusive language (for helpful examples, see <https://www.apaonline.org/page/nonsexist> and <https://transjournalists.org/style-guide>).

If you feel any aspect of this course makes it difficult for you to participate fully, I want to know. This is *very* important to me.

9.3. University Statements on Discrimination, Harassment and Threatening Behavior

The University of Arizona is committed to creating and maintaining an environment free of discrimination. In support of this commitment, the University prohibits discrimination, including harassment and retaliation, based on a protected classification, including race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or genetic information. For more information, including how to report a concern, please see <http://policy.arizona.edu/human-resources/nondiscrimination-and-anti-harassment-policy>.

Our classroom is a place where everyone is encouraged to express well-formed opinions and their reasons for those opinions. We also want to create a tolerant and open environment where such opinions can be expressed without resorting to bullying or discrimination of others.

The UA Threatening Behavior by Students Policy prohibits threats of physical harm to any member of the University community, including to oneself. See <http://policy.arizona.edu/education-and-student-affairs/threatening-behavior-students>.

10. Student Support Resources

Campus Health Services

- Campus Health: <https://health.arizona.edu>
- Counseling and Psych Services (CAPS): <https://health.arizona.edu/counseling-psych-services>
- Mental Health Tools from CAPS: <https://health.arizona.edu/mental-health-tools>

Crisis Resources

- National Suicide Prevention Lifeline: call 800-273-TALK (8255) or chat online at <https://suicidepreventionlifeline.org/chat>
- National Sexual Assault Hotline: call 800-656-HOPE (4673) or chat online (English and Spanish) at <https://www.rainn.org/resources>
- Love Is Respect (dating abuse helpline for youth between 13 and 26): call 866-331-9474, text “LOVEIS” to 22522 or chat online at <https://www.loveisrespect.org/get-help>
- Trevor Lifeline (for LGBTQ+ youth under 25): call 866-488-7386, or text “START” to 678-678 or chat online at <https://www.thetrevorproject.org/get-help-now>
- Trans Lifeline (operators are all trans/nonbinary people): call 877-565-8860 (English and Spanish)
- CAPS Crisis Resources, Hotlines and Apps: <https://health.arizona.edu/crisis-resources-and-hotlines>
- Dean of Students Office Student Assistance Services: <https://deanofstudents.arizona.edu/support/student-assistance>

Food Security

- Campus Pantry: <https://campuspantry.arizona.edu>

Child Care

- UA Childcare Choice Program for Students: <https://lifework.arizona.edu/programs/childcare-choice/student>

LGBTQ+

- List of Resources from the Office of LGBTQ Affairs: <https://lgbtq.arizona.edu/students>

Disability

- Disability Resource Center: <https://drc.arizona.edu/>

Academic Advising

- Find Your Philosophy Advisor: <https://philosophy.arizona.edu/advising>
- Become a Philosophy Major: <https://philosophy.arizona.edu/why-study-philosophy>

Writing

- Think Tank Writing Center: <https://thinktank.arizona.edu/writing-center>
- Writing Skills Improvement Program: <https://wsip.arizona.edu>

11. Accessibility and Accommodations

Our goal in this classroom is that learning experiences be as accessible as possible. If you anticipate or experience physical or academic barriers based on disability, please let me know immediately so that we can discuss options. You are also welcome to contact the Disability Resource Center (520-621-3268) to establish reasonable accommodations. For additional information on the Disability Resource Center and reasonable accommodations, please visit <http://drc.arizona.edu>.

If you have reasonable accommodations, please plan to meet with me by appointment or during office hours to discuss accommodations and how my course requirements and activities may impact your ability to fully participate.

12. Syllabus Change

Information contained in the course syllabus, other than the grade and absence policy, may be subject to change with advance notice, as deemed appropriate by the instructor.

13. (Lack of) Diversity in Philosophy

Unfortunately, philosophy as an institutionalized discipline is remarkably white, cis male, straight and able-bodied. This lack of diversity is often apparent just from the topics and authors typically taught in introductory philosophy courses. However, philosophy as a whole is becoming more and more diverse thanks to the efforts of several generations of philosophers. As a philosophy student, you can also help the profession address its diversity and inclusiveness problems by seriously engaging with minority authors and supporting your fellow minority students.

The American Philosophical Association (APA) has a useful handout for minority undergraduate students in philosophy, which you can read here: https://www.apaonline.org/resource/resmgr/diversity/Advice_for_Undergrads.pdf.

A valuable local opportunity is the Arizona Feminist Philosophy Graduate Conference organized annually by graduate students at the UA Department of Philosophy. The conference takes place in the spring semester. It brings together graduate students working on feminist issues from around the country and the world. You can find more information and watch recordings of past talks at <https://femphilaz.com>.

14. Tentative Schedule

Introduction

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| Aug 24 (T) | Jamison Green, "Transgender: Why Should We Care?," <i>The Lancet</i> (2016) |
| Aug 26 (R) | Russ Shafer-Landau, "Moral Reasoning," in <i>A Concise Introduction to Ethics</i> (2019) |

Harm

- | | |
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| Aug 31 (T) | Philippa Foot, "The Problem of Abortion and the Doctrine of the Double Effect," <i>Oxford Review</i> (1967) |
| Sep 2 (R) | Judith Jarvis Thomson, "Killing, Letting Die, and The Trolley Problem," <i>The Monist</i> (1976) |

Reproductive Care

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| Sep 7 (T) | <i>Griswold v. Connecticut</i> (1965); <i>Roe v. Wade</i> (1973); <i>Doe v. Bolton</i> (1973); <i>Geduldig v. Aiello</i> (1974); <i>General Electric v. Gilbert</i> (1976); <i>Maher v. Roe</i> (1977); <i>Harris v. McRae</i> (1980); <i>Rust v. Sullivan</i> (1991); <i>Planned Parenthood</i> |
|-----------|--|

- v. *Casey* (1992); *Whole Woman's Health v. Hellerstedt* (2016); *June Medical Services v. Russo* (2020)
- Sep 9 (R) Judith Jarvis Thomson, "A Defense of Abortion," *Philosophy & Public Affairs* (1971)
- Sep 14 (T) Catharine MacKinnon, "Difference and Dominance: On Sex Discrimination" and "Privacy v. Equality: Beyond *Roe v. Wade*," in *Feminism Unmodified: Discourses on Life and Law* (1987)

Midterm essay assigned

Physician-Assisted Suicide

- Sep 16 (R) Brief for Ronald Dworkin et al. as *Amici Curiae* in Support of Respondents, *Washington v. Glucksberg* (1997)
- In-class viewing: *How to Die in Oregon* (2011), directed by Peter Richardson, 107 min
- Sep 21 (T) *Washington v. Glucksberg* (1997)

Medical Paternalism and Patient Autonomy

- Sep 23 (R) Gerald Dworkin, "Paternalism," *The Monist* (1972)
- Draft of midterm essay due at the beginning of class**
- Sep 28 (T) Rebecca Kukla, "Conscientious Autonomy: Displacing Decisions in Health Care," *Hastings Center Report* (2005)
- Peer review of midterm essay due at the beginning of class**
- Sep 30 (R) Rebecca Kukla, "How Do Patients Know?," *Hastings Center Report* (2007)
- Oct 5 (T) Laura Specker Sullivan, "Medical Maternalism: Beyond Paternalism and Antipaternalism," *Journal of Medical Ethics* (2016)

Medical Knowledge

- Oct 7 (R) Nancy Tuana, "Coming to Understand: Orgasm and the Epistemology of Ignorance," *Hypatia* (2004)
- Oct 12 (T) Miranda Fricker, Introduction and "Testimonial Injustice," in *Epistemic Injustice: Power and the Ethics of Knowing* (2007)
- Revised draft of midterm essay and revision cover letter due at the beginning of class**
- Oct 14 (R) Miranda Fricker, "Hermeneutical Injustice," in *Epistemic Injustice*

- Oct 19 (T) Ian James Kidd and Havi Carel, "Epistemic Injustice in Healthcare: A Philosophical Analysis," *Medicine, Health Care and Philosophy* (2014)

Biology, Medicine and Social Construction

- Oct 21 (R) Sally Haslanger, "Ontology and Social Construction," *Philosophical Topics* (1995)
- Oct 26 (T) Anne Fausto-Sterling, "The Bare Bones of Race," *Social Studies of Science* (2008)
- Oct 28 (R) Suzanne J. Kessler, "The Medical Construction of Gender: Case Management of Intersexed Infants," *Signs* (1990)
- Nov 2 (T) Julia Serano, "Blind Spots: On Subconscious Sex and Gender Entitlement," "Experiential Gender" and "Deconstructive Surgery," in *Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity* (2007)
- Nov 4 (R) Julia Serano, "Pathological Science: Debunking Sexological and Sociological Models of Transgenderism," in *Whipping Girl*

Final essay assigned

- Nov 9 (T) Veterans Day (no class)
- Nov 11 (R) Katrina Karkazis and Rebecca M. Jordan-Young, "The Powers of Testosterone: Obscuring Race and Regional Bias in the Regulation of Women Athletes," *Feminist Formations* (2018)

Transition-Related Medical Care

- Nov 16 (T) C. Jacob Hale, "Ethical Problems with the Mental Health Evaluation Standards of Care for Adult Gender Variant Prospective Patients," *Perspectives in Biology and Medicine* (2007)
- Nov 18 (R) Sarah Schulz, "The Informed Consent Model of Transgender Care: An Alternative to the Diagnosis of Gender Dysphoria," *Journal of Humanistic Psychology* (2018)
- Florence Ashley, "Gatekeeping Hormone Replacement Therapy for Transgender Patients Is Dehumanising," *Journal of Medical Ethics* (2019)

Draft of final essay due at the beginning of class

Disability

- Nov 23 (T) Elizabeth Barnes, "Valuing Disability, Causing Disability," *Ethics* (2014)
- Peer review of final essay due at the beginning of class**

- Nov 25 (R) Thanksgiving (no class)
- Nov 30 (T) Thanksgiving (no class)
- Dec 2 (R) Eva Feder Kittay, “The Ethics of Prenatal Testing and Selection” and “Addendum: Mother’s Choice,” in *Learning from My Daughter: The Value and Care of Disabled Minds* (2019)

Conclusion

- Dec 7 (T) Iris Marion Young, “Pregnant Embodiment: Subjectivity and Alienation,” in *On Female Body Experience: “Throwing Like a Girl” and Other Essays* (2005)
- Revised draft of final essay and revision cover letter due at the beginning of class**
- Dec 14 (T) Final exam, 10:30–12:30pm, in our usual classroom**